

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	CASE NO. 2:20-CR-187(2)
)	
vs.)	
)	
MYKELL REENEESHA UNEEK HAWES,)	
)	
DEFENDANT.)	
)	

TRANSCRIPT OF PLEA PROCEEDINGS
BEFORE THE HONORABLE NORAH MCCANN KING
UNITED STATES DISTRICT MAGISTRATE JUDGE
FEBRUARY 2, 2022; 2:30 P.M.
COLUMBUS, OHIO
VIA VIDEOCONFERENCE

APPEARANCES:

FOR THE PLAINTIFF:

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United States Attorney
By: Peter K. Glenn-Applegate
Assistant United States Attorney
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FOR THE DEFENDANT:

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Proceedings recorded by mechanical stenography,
transcript produced by computer.

1 WEDNESDAY AFTERNOON SESSION

2 FEBRUARY 2, 2022

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4 THE DEPUTY CLERK: This is a change of plea hearing,
5 Case Number 2:21-CR-187, the United States of America versus
6 Mykell Reeneesha Uneek Hawes. Today's date is February the
7 2nd, 2022.

8 THE COURT: Thank you. For the record, I'm pleased to
9 recognize Mr. Peter Glenn-Applegate who is participating on
10 behalf of the United States, and Mr. Jeffrey Moore who is
11 participating on behalf of Ms. Hawes who is also participating
12 here today.

13 Ms. Hawes, we're all participating in this hearing by
14 videoconference. But I want to make sure you know you have a
15 right to appear in person with your attorney if you want to do
16 so. But, of course, that is a risky thing to do in the era of
17 COVID. So if you want to go forward by videoconference after
18 having discussed the matter with Mr. Moore, we can do that.

19 Now, I don't think we have a consent to proceed by
20 videoconference on the record, do we? Mr. Moore, have you
21 talked to Ms. Hawes about that matter?

22 MR. MOORE: I did talk to her about this. I think she
23 is ready to proceed in this matter by video is just fine.
24 She's got some other concerns which I'm filing a motion on, but
25 it doesn't concern the plea, Your Honor.

1 THE COURT: Okay. Ms. Hawes, do you understand that
2 you have a right to appear in the courtroom in person with your
3 attorney?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you want to go forward by
6 videoconference here today?

7 THE DEFENDANT: Yes, Your Honor. It's fine.

8 THE COURT: Okay. I would like -- even though we made
9 the record, I would like to have that consent form on the
10 record. We have a document that indicates that it's okay with
11 you to proceed at this hearing today by videoconference.

12 Is it agreeable with you, Ms. Hawes, if Mr. Moore signs
13 that consent form on your behalf?

14 THE DEFENDANT: Yes, that's fine, Your Honor.

15 THE COURT: Okay. Mr. Moore, do you have a -- it was
16 attached to the notice of this hearing.

17 MR. MOORE: Yes, Your Honor. Hang on one second and I
18 can get that. Just give me one moment.

19 THE COURT: Well, you can wait until after the
20 hearing, Mr. Moore. But I would like to have that on the
21 record.

22 MR. MOORE: I have one.

23 THE COURT: Okay. Thanks. So we'll get that filed
24 and we'll go forward by videoconference, Ms. Hawes. If at any
25 time you can't see or hear me or one of the attorneys, get my

1 attention. We'll figure out what the problem is. If at any
2 time you want to speak privately with Mr. Moore, again, get my
3 attention and we'll make sure you have that opportunity. Okay?

4 THE DEFENDANT: Okay. Thank you, Your Honor.

5 THE COURT: Now, it's anticipated -- well, first of
6 all, as you know, this case is assigned to Judge Watson. And
7 it's only Judge Watson who can make a final decision in this
8 case, including deciding whether or not to accept a guilty plea
9 pursuant to this plea agreement. I can't do that. The most I
10 can do, if you want to plead guilty in front of me, is make a
11 recommendation to Judge Watson.

12 Now, again, have you talked to Mr. Moore about this
13 issue of pleading guilty in front of me instead of Judge
14 Watson?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you want to go forward on a guilty plea
17 in front of me?

18 MR. MOORE: Your Honor, I explained to my client that
19 just because you're taking the guilty plea does not mean that
20 Judge Watson won't be sentencing her.

21 THE COURT: That's correct. That's correct. Judge
22 Watson will be making all the final decisions in this case.
23 But we can go forward on the guilty plea here today, and I can
24 make a recommendation to Judge Watson on which he'll act and
25 determine whether or not to accept your guilty plea pursuant to

1 the plea agreement based upon this hearing today. So do you
2 want to go forward in front of me on a guilty plea knowing that
3 the most I can do is make a recommendation to Judge Watson?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. We'll do that. Again, I'd like to
6 have written consent on the record, and I believe Mr. Moore has
7 such a consent.

8 MR. MOORE: Yes, Your Honor. We have all of those
9 papers.

10 THE COURT: Okay. Is it agreeable with you,
11 Ms. Hawes, if he signs that consent form on your behalf?

12 THE DEFENDANT: Yes, Your Honor, it's fine. He can
13 sign the consent form.

14 THE COURT: Great. So, Mr. Moore, I ask you to get
15 those consents filed as soon as possible after this hearing.

16 MR. MOORE: I understand. We'll do it this afternoon.

17 THE COURT: Okay. Great. So we'll go forward on the
18 guilty plea, Ms. Hawes, and I expect after the hearing to make
19 a recommendation to Judge Watson.

20 MR. MOORE: Your Honor?

21 THE COURT: Yes.

22 MR. MOORE: Would you explain to her when you say
23 you're making a recommendation, it's a recommendation to accept
24 the guilty plea. It isn't any other recommendation, correct?

25 THE COURT: That's correct. We're only discussing

1 here today your guilty plea pursuant to this plea agreement. I
2 do not have authority to make a final decision on either your
3 guilty plea or the plea agreement. Those will be up to Judge
4 Watson to make a final decision on both of those issues. But
5 we'll make the record here today so that he has the basis for
6 making that final decision. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: Is that okay with you, Ms. Hawes?

9 THE DEFENDANT: That's okay, yes.

10 THE COURT: Okay. Well, before any judge, whether
11 it's me or Judge Watson, can accept a guilty plea, the judge
12 has to be confident that the plea is made knowingly and
13 voluntarily and with a full understanding of the consequences
14 of that plea. Now, in order to make that determination for
15 myself and to allow Judge Watson to make his own determination
16 in that regard, I'm going to be asking you quite a number of
17 questions.

18 You're going to be placed under oath, and that means
19 that your answers to my questions will be made under penalty of
20 perjury. And should you intentionally make a false statement
21 in answering my questions, you could be charged with another
22 criminal offense such as perjury or making false statements.
23 Do you understand, Ms. Hawes?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. I'm going to ask you to raise your

1 right hand, and I'll ask our courtroom deputy to administer the
2 oath.

3 (Defendant sworn.)

4 THE COURT: What is your full name?

5 THE DEFENDANT: Mykell Reeneesha Uneek Hawes.

6 THE COURT: And how old are you, Ms. Hawes?

7 THE DEFENDANT: Thirty-one.

8 THE COURT: Where were you born?

9 THE DEFENDANT: California.

10 THE COURT: And how much education do you have?

11 THE DEFENDANT: Some college.

12 THE COURT: Okay. Do you have any difficulty reading
13 or writing or understanding what it is you've read?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Have you ever been treated for a mental
16 illness or an addiction?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And what sort of treatment have you
19 undergone?

20 THE DEFENDANT: I've been to AA and a drug program
21 before.

22 THE COURT: Okay. And were those therapies court
23 ordered or did you do them voluntarily?

24 THE DEFENDANT: I've done one voluntarily and two were
25 court ordered.

1 THE COURT: Tell me when you last underwent treatment
2 for either alcohol abuse or drug addiction.

3 THE DEFENDANT: I believe 2013.

4 THE COURT: So it's been quite a number of years since
5 you've been treated for either of those conditions?

6 THE DEFENDANT: Yes. I was going to programs in here
7 but -- like an outpatient facility, like 2013, 2014.

8 THE COURT: Okay. Do you suffer from any other
9 medical condition that requires treatment whether it's a
10 physical condition or a mental condition?

11 THE DEFENDANT: I have like rheumatoid arthritis. I
12 don't know if you mean that.

13 THE COURT: Sure. Do you take medication for that
14 condition?

15 THE DEFENDANT: Before I got arrested, I was taking
16 Prednisone and different pain pills. And I'm trying to get the
17 doctors to prescribe me -- I'm sorry. What did you say, Your
18 Honor?

19 THE COURT: So you're not taking any of that
20 medication now?

21 THE DEFENDANT: Yes.

22 THE COURT: That's correct?

23 THE DEFENDANT: Yes, ma'am, I am.

24 THE COURT: Oh, you are taking medication?

25 THE DEFENDANT: Yes.

1 THE COURT: Has it been prescribed for you? Are you
2 taking the Prednisone for your rheumatoid arthritis?

3 THE DEFENDANT: I just got off the Prednisone maybe
4 two weeks ago because the doctor in here, she doesn't want to
5 give it to me long term. So she's been tapering it. So I did
6 it for like a month. She stopped me on it. But I'm still
7 taking the Methotrexate I think it is.

8 THE COURT: Okay. So are you taking it as it's been
9 prescribed for you?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Are you taking any other medication while
12 you're incarcerated?

13 THE DEFENDANT: No, ma'am. Just like vitamins. She
14 has me on a multivitamin and an iron pill.

15 THE COURT: Okay. Let me ask you this. Does either
16 the condition of rheumatoid arthritis or your history of
17 alcohol and drug addiction or the medications that you take, do
18 they interfere at all with your ability to discuss this case
19 with Mr. Moore?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Are you able to understand everything that
22 Mr. Moore tells you about this case?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Within the past 24 hours, other than the
25 medications that have been prescribed or given to you by the

1 jail officials, have you taken any other medicine, drugs,
2 pills, or alcohol?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Mr. Moore, do you have any doubt as to
5 Ms. Hawes' competence?

6 MR. MOORE: No, Your Honor.

7 THE COURT: Well, Ms. Hawes, as you know --

8 MR. MOORE: No, Your Honor.

9 THE COURT: -- the indictment charges you with three
10 counts of violating federal law. Count 1 charges a conspiracy
11 to possess with intent to distribute controlled substances, and
12 Count 2 charges conspiracy to commit money laundering. And
13 both of those counts refer to the period of time extending from
14 about 2014 to about 2018.

15 Count 3 charges aggravated identity theft, and it refers
16 to the date of April 26, 2017.

17 Now, the indictment also includes forfeiture provisions
18 by which the government seeks the forfeiture of any interest
19 that you have in otherwise unspecified proceeds or instruments
20 used in the commission of the charged offenses.

21 Now, do you understand the nature and meaning of all of
22 those charges against you?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Have you told Mr. Moore everything you
25 know about this case?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you believe Mr. Moore is familiar with
3 all the facts and circumstances on which these charges are
4 based?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Has your lawyer fully advised you as to
7 the nature and meaning of these charges and any defense that
8 you might have to these charges?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Are you satisfied with his advice and
11 representation?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Now, it's anticipated that you will plead
14 guilty to Counts 1 and 2 of the indictment. Every criminal
15 offense has certain basic facts or essential elements that the
16 government would have to prove by admissible evidence beyond a
17 reasonable doubt before a person could be convicted on that
18 charge at trial.

19 Now, in this case, as it relates to those charges which
20 it's expected you'll plead guilty -- that is Counts 1 and 2 --
21 those basic facts are these. First, the government -- as to
22 Count 1, the drug conspiracy charge, the government would have
23 to prove that two or more persons conspired, or agreed, to
24 possess with the intent to distribute oxycodone, a Schedule II
25 controlled substance under federal law. The government would

1 also have to prove that you knowingly and voluntarily joined
2 that conspiracy. And the government would have to establish
3 that this crime occurred, at least in part, in the Southern
4 District of Ohio during the period or approximately the period
5 charged in the indictment.

6 Now, as to Count 2, the money laundering conspiracy
7 count, the government would have to prove these facts beyond a
8 reasonable doubt. First, that two or more persons conspired,
9 or agreed, to commit the crime of money laundering, and that
10 you knowingly and voluntarily joined that conspiracy. And
11 again, the government would have to establish that this
12 conspiracy occurred, at least in part, in the Southern District
13 of Ohio during that specified time period.

14 Now, do you understand that that's what the government
15 would have to prove by admissible evidence beyond a reasonable
16 doubt before you could be convicted on these charges at trial,
17 Ms. Hawes?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Now, if Judge Watson accepts your guilty
20 plea pursuant to this plea agreement, he will be determining
21 all the sentencing terms. But the statutes governing these
22 charges authorize maximum possible penalties as to each of
23 these counts. As to the drug conspiracy count, the maximum
24 possible sentence that could be imposed is a term of
25 imprisonment of up to 20 years. And any term of imprisonment

1 on that count could be followed by a term of supervised release
2 of at least three years. Conviction on that drug conspiracy
3 charge could also result in a fine up to one million dollars
4 and would require the payment of a 100-dollar special
5 assessment.

6 Conviction on the money laundering conspiracy count is
7 punishable, again, by a term of -- maximum term of imprisonment
8 of up to 20 years. And any term of imprisonment imposed on
9 that count could be followed by a term of supervised release of
10 up to three years. Conviction on this count is -- could result
11 in a fine of up \$500,000 or two times the value of the property
12 involved in the money laundering count, whichever is greater:
13 five hundred thousand or two times the property involved.

14 Conviction on Count 2 would also require the payment of
15 a 100-dollar special assessment. And conviction on either or
16 both of these counts could also result in the forfeiture of any
17 interest that you have in either the proceeds of the crimes or
18 in the instrumentalities used in the commission of the crimes.

19 Do you understand that that's the maximum penalty that
20 could be imposed if your guilty plea on these counts is
21 accepted by Judge Watson?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And again, we'll be talking in just a
24 moment about how Judge Watson will determine an appropriate
25 sentence. But those are the maximum penalties that could be

1 imposed on each of these counts. And do you understand that
2 Judge Watson could impose the maximum penalty on each of those
3 counts?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you understand that he could impose the
6 penalty on each count to be served consecutively, that is, the
7 sentence on one count not beginning until the complete service
8 on the other count? Do you understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you understand that if he accepts your
11 guilty plea pursuant to this plea agreement, he could impose
12 the same penalty as though you had persisted in your earlier
13 plea of not guilty on these counts, had stood trial and had
14 been convicted by a jury? Do you understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand that these are serious
17 felony charges, and that if your guilty plea is accepted, this
18 could deprive you of valuable civil rights as a citizen of the
19 United States such as the right to vote, the right to hold
20 public office, the right to serve on a jury, the right to
21 possess a firearm? Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Now, as I told you, this plea agreement
24 leaves all the sentencing terms up to Judge Watson. But let's
25 talk a little bit about how he will determine a sentence in the

1 case.

2 First, I want to define a term that I used. I told you
3 that any term of imprisonment could be followed by a term of
4 supervised release. Now, supervised release is a period of
5 supervision by the probation office. It begins after the
6 complete service of any term of imprisonment. And a violation
7 of supervised release could result in a new, additional period
8 of imprisonment for up to the full term of supervised release
9 and without credit for time already served in prison or on
10 supervised release.

11 Moreover, if supervised release is revoked and a new
12 term of imprisonment is imposed, that new term of imprisonment
13 could itself be followed by yet a new term of supervised
14 release. Do you understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Now, Judge Watson will be determining the
17 sentence in this case if he accepts your guilty plea pursuant
18 to this plea agreement. And in determining that sentence, he
19 will be considering the sentencing guidelines as well as
20 departures or variances from those guidelines as some among the
21 many factors that he will be considering in determining an
22 appropriate sentence in this case. Now, those sentencing
23 guidelines aren't binding on Judge Watson, but he must consider
24 them.

25 Have you and Mr. Moore talked about the sentencing

1 guidelines?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that it is Judge Watson
4 who will be determining the guidelines, but that will be after
5 the preparation of the presentence report and after you and the
6 government have had a chance to object to the presentence
7 report? Do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Now, I know in this plea agreement you and
10 the government have agreed to or have stipulated to certain
11 facts relevant to the guidelines. But do you understand that
12 Judge Watson isn't bound by that stipulation or agreement?
13 Instead, he will determine for himself, with the aid of the
14 presentence report, what facts are relevant to the guidelines
15 and to your sentence. Do you understand that?

16 THE DEFENDANT: Yes. Yes, Your Honor.

17 THE COURT: Now, even after it's been determined what
18 guideline applies to a case, a federal judge has the authority
19 in some circumstances to impose a sentence that is lighter or
20 less severe than the sentence suggested by the guidelines, or,
21 on the other hand, a sentence that is greater or more severe
22 than the sentence suggested by the guidelines. Do you
23 understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you understand that if the sentence

1 that Judge Watson imposes is greater or more severe than the
2 sentence you were expecting, you will still be bound by your
3 guilty plea? You will have no right to withdraw it on that
4 basis. Do you understand that?

5 THE DEFENDANT: I'm sorry. Can you repeat that one?
6 The video threw me.

7 THE COURT: Do you understand that if the sentence
8 that Judge Watson imposes is greater or more severe than the
9 sentence you were expecting, you will not be allowed to
10 withdraw your guilty plea on that basis? You will still be
11 bound by your guilty plea. Do you understand that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you understand that if Judge Watson
14 accepts your guilty plea pursuant to this plea agreement, it
15 also means that you will have given up your right to appeal
16 from or to challenge your conviction and sentence under almost
17 all circumstances? This plea agreement permits an appeal from
18 or a challenge to your conviction and sentence only if the
19 sentence that Judge Watson imposes is greater or more severe
20 than the sentence -- the maximum sentence I told you about.

21 Now, you always have a right to appeal from or to
22 challenge your conviction and sentence if you want to pursue a
23 claim of ineffective assistance of your counsel or misconduct
24 on the part of the prosecutor. But apart from those very
25 limited claims, this plea agreement does not permit an appeal

1 from or a challenge to your conviction and sentence. Do you
2 understand that, Ms. Hawes?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Now, under the Constitution and laws of
5 the United States, you have the right to persist in your
6 earlier pleas of not guilty to these charges. You have the
7 right to be tried by a jury. And at a speedy and public trial,
8 you would have the right to the assistance of your counsel.
9 You would have the right to present a defense and to present
10 evidence in support of that defense if that's what you choose
11 to do.

12 You would have the right to confront and cross-examine
13 the witnesses who testify against you. You would have the
14 right to require the attendance of witnesses to testify for
15 you. And you would have the right to testify in your own
16 defense or to remain silent at trial without any penalty
17 whatsoever. And at a trial you would be presumed innocent
18 unless and until the government is able to prove your guilt by
19 admissible evidence beyond a reasonable doubt.

20 Now, do you understand that if you plead guilty, you
21 give up all of those trial rights, Ms. Hawes?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you understand that if you plead
24 guilty, there won't be a trial in your case because by pleading
25 guilty, you're giving up your right to trial? Do you

1 understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that if you plead
4 guilty, you will also have to give up your right not to
5 incriminate yourself because you will have to admit your guilt
6 to these crimes? Do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Now, we've talked a little bit about the
9 plea agreement. Plea agreements are proper, but you and the
10 attorneys must disclose all of the terms of the plea agreement.

11 Mr. Glenn-Applegate, can I ask you to summarize those
12 terms, please?

13 MR. GLENN-APPLEGATE: Thank you, Your Honor. The plea
14 agreement is filed at ECF Document Number 78 and these are its
15 essential terms. Ms. Hawes agrees to plead guilty to Count 1
16 of the indictment in this case which charges her with
17 conspiracy to possess with the intent to distribute and to
18 distribute controlled substances, and Count 2 which charges her
19 with conspiracy to commit money laundering. She understands
20 the elements are those the Court has recited here this
21 afternoon, and the penalties are those the Court has recited
22 here this afternoon.

23 At this point I'd like to pause to make a clarification.
24 Count 1 of the indictment is a drug conspiracy count. And it
25 charges a co-defendant of Ms. Hawes, Mr. Moore, with

1 distributing -- possessing with intent to distribute 500 grams
2 or more of a detectable amount of methamphetamine, whereas it
3 charges Ms. Hawes, Mr. Moore, and another co-defendant,
4 Ms. Casey, with conspiracy to distribute oxycodone.

5 It was the United States' intention to charge Ms. Hawes
6 with a zero to 20 offense, and perhaps more importantly for
7 today's proceeding, it was both parties' intent that she would
8 be pleading guilty to an offense with a statutory maximum term
9 of imprisonment of 20 years and no statutory minimum term of
10 imprisonment.

11 With that clarification --

12 THE COURT: Mr. Moore, do you have any objection to
13 that clarification? And is it your understanding that that is
14 the agreement of the parties?

15 MR. MOORE: Yes, Your Honor.

16 THE COURT: You have no objection to that
17 clarification; is that correct?

18 MR. MOORE: No, Your Honor. That's correct.

19 THE COURT: Thank you.

20 MR. GLENN-APPLEGATE: Moving on from the penalties,
21 Your Honor, Ms. Hawes understands that she has, and by pleading
22 guilty gives up the rights that the Court has recited here
23 today. She understands that if she is not a U.S. citizen or is
24 a naturalized citizen, there may be immigration consequences to
25 her guilty plea.

1 The parties agree to the statement of facts set forth in
2 Attachment A and incorporate it. They also agree -- while the
3 United States does not oppose a two-level reduction for
4 acceptance of responsibility, as long as Ms. Hawes continues to
5 accept responsibility through sentencing, then Ms. Hawes may
6 also be entitled to an additional one-level decrease based on
7 her timely notification of her intention to plead guilty. The
8 parties reserve the right to argue at sentencing the
9 application of any other upward or downward adjustments for
10 departures.

11 Ms. Hawes agrees to forfeit the proceeds of Count 1 of
12 the indictment. She also agrees to forfeit any property
13 involved in Count 2 of the indictment, and she agrees to
14 certain terms in furtherance of her forfeiture obligations.

15 The United States will not further prosecute Ms. Hawes
16 for conduct prior to the date of this plea agreement that was
17 part of the same course of criminal conduct described in the
18 indictment and that was known to the U.S. Attorney's Office at
19 the time it was executed. The United States Attorney's Office
20 also agrees to dismiss any remaining counts of the indictment
21 against Ms. Hawes at the time of entry of the final judgment.

22 There is a waiver of appeal, Your Honor, which I'll read
23 verbatim. "In exchange for the concessions made by the U.S.
24 Attorney's Office in this plea agreement, the defendant waives
25 the right to appeal the conviction and sentence imposed, except

1 if the sentence imposed exceeds the statutory maximum. The
2 defendant also waives the right to attack her conviction or
3 sentence collaterally, such as by way of a motion brought under
4 28 U.S.C. Section 2255 or 18 U.S.C. Section 3582. However,
5 this waiver shall not be construed to bar a claim by the
6 defendant of ineffective assistance of counsel or prosecutorial
7 misconduct."

8 Ms. Hawes waives any rights that she may have under the
9 Hyde Amendment or the Privacy Act of 1974 related to this case.
10 She understands the serious consequences of violating the plea
11 agreement.

12 The plea agreement is signed by myself, Mr. Moore, and
13 Ms. Hawes on Page ID 522. And along with attachments to the
14 plea agreement, those are its essential terms.

15 THE COURT: Thank you. Mr. Moore, is that your
16 understanding of the plea agreement?

17 MR. MOORE: It is, Your Honor.

18 THE COURT: And have all formal plea offers been
19 communicated to Ms. Hawes?

20 MR. MOORE: They have.

21 THE COURT: Ms. Hawes, did you understand that summary
22 of the plea agreement?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And you understand that this plea
25 agreement includes that appellate waiver that we discussed and

1 that was included in Mr. Glenn-Applegate's summaries. You
2 understand that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: You understand that this plea agreement
5 also includes your agreement to forfeit any proceeds and
6 property used in the commission of these offenses. Do you
7 understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: I'm looking at a copy of the plea
10 agreement. Do you remember, Ms. Hawes, did you sign the plea
11 agreement?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Before you signed it, had you read the
14 entire plea agreement and any attachment?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Had you discussed it with Mr. Moore before
17 you signed it?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Did you understand all of the terms of the
20 plea agreement and any attachment before you signed it?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: You agree with those terms?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Has anyone made any other or different
25 promises or assurances of any kind that aren't contained in the

1 plea agreement?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Have you been subjected to threats or
4 force of any kind that cause you to plead guilty?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Is your decision to plead guilty your own
7 free and voluntary act?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Well, as I said earlier, decision on
10 whether or not to accept this plea agreement is left for Judge
11 Watson's determination.

12 Now, in determining whether or not to accept your plea
13 of guilty, Judge Watson will also have to determine for himself
14 that there's a factual basis for your plea of guilty. And
15 there is a statement of facts attached to this plea agreement.

16 Did you sign the statement of facts?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Before you signed it, had you read the
19 entire statement of facts?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Had you discussed it with Mr. Moore before
22 you signed it?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Did you understand that statement of
25 facts?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you agree with that statement of facts?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Are you pleading guilty to these charges
5 because you are, in fact, guilty of the drug conspiracy charge
6 and the money laundering conspiracy to commit money laundering
7 charge in Counts 1 and 2 of the indictment?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Then, in light of everything I've told you
10 about your rights, Ms. Hawes, and in light of all of my
11 questions, let me ask you, how do you now plead to Counts 1 and
12 2 of the indictment?

13 THE DEFENDANT: Guilty.

14 THE COURT: All right. Your guilty plea has been
15 recorded. Based on our discussion here today and my
16 observation of you, I'm going to recommend that your guilty
17 plea be accepted. I expect to issue that recommendation yet
18 today. The parties will have 14 days to object to my
19 recommendation, but their failure to object could result in a
20 waiver of their right to appeal Judge Watson's adoption of my
21 recommendation.

22 Mr. Moore, is there any objection to beginning the
23 preparation of the presentence report in advance of Judge
24 Watson's action on my recommendation?

25 MR. MOORE: No, Your Honor.

1 THE COURT: Ms. Hawes, during that process, you're
2 going to be asked to provide information relevant to the
3 sentence in this case. Mr. Moore can assist you throughout
4 that process. You'll have an opportunity, with his help, to
5 object to any of the findings or conclusions of the probation
6 officer with which you disagree. And he will be able to
7 present evidence or argument at the time of sentencing if
8 there's still some unresolved objections.

9 Now, Ms. Hawes was previously ordered detained in the
10 custody of the marshal, and she does remain in the custody of
11 the marshal.

12 Mr. Glenn-Applegate, on behalf of the United States, any
13 objection to these proceedings? And is there anything further
14 we can do on behalf of the United States?

15 MR. GLENN-APPLEGATE: No objection and nothing further
16 on our behalf. Thank you, Your Honor.

17 THE COURT: Mr. Moore, any objection on behalf of
18 Ms. Hawes to these proceedings, and anything further we can do
19 on behalf of Ms. Hawes?

20 MR. MOORE: No, Your Honor. But Ms. Hawes would like
21 my assistance and my presence with any interviews that she is
22 going to have with the presentence people.

23 THE COURT: And I'm certain that's perfectly
24 acceptable. So, if you've not already contacted the probation
25 office, you can contact them and set up those interviews.

1 MR. MOORE: Yes, Your Honor.

2 THE COURT: There being nothing further, then, I'll
3 ask the clerk to recess the court, please.

4 (Proceedings concluded at 3:10 p.m.)

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C E R T I F I C A T E

I, Shawna J. Evans, do hereby certify that the foregoing is a true and correct transcript of the proceedings before the Honorable Norah McCann King, Magistrate Judge, in the United States District Court, Southern District of Ohio, Eastern Division, on the date indicated, reported by me in shorthand and transcribed by me or under my supervision.

s/Shawna J. Evans
Shawna J. Evans, RMR, CRR
Official Federal Court Reporter

May 2, 2022